

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE**

**WRIT PETITION NO.276 OF 1996**

Between:

Kadiala Someswara Subrahmanya Somayajulu

. . .Petitioner

AND

Revenue Divisional Officer,  
Amalapuram,  
East Godavari District and others

. . .Respondents

Counsel for the petitioner : Shri K.V.A.Ramprasad  
for Shri T.V.S.Prabhakara  
Rao

Counsel for the respondents : Government Pleader for

Revenue

**Dated: 28<sup>th</sup> June, 2006**

**: ORDER :**

This is a petition for restraining respondents from dispossessing the petitioner from 20 cents of land comprised in Revenue Survey Nos.104/8 to 10 of Chiratapudi Village, Ambajipet Mandal of East Godavari District.

In the affidavit filed by him, the petitioner has averred that he is the owner in possession of the land and has planted several fruit trees. He has further averred that respondents are seeking to dispossess him without following due process of law.

While issuing notice, a coordinate bench had directed the respondents not to dispossess the petitioner from the land in question.

Even though the writ petition has been remained pending for more than ten years, the respondents have not filed counter affidavit to controvert the averments contained in the petition. Therefore, the writ petition is liable to be disposed of by assuming that the averments contained in the affidavit of the petitioner are correct.

I have heard learned counsel for the parties and perused the uncontroverted averments contained in the affidavit of the petitioner.

Since the respondents have not denied the fact that the petitioner is the owner in possession of the land in dispute, it does not need detailed elucidation of constitutional and legal provisions for holding that he cannot be dispossessed without following the procedure established by law.

Hence, the writ petition is disposed of with the direction that the respondents shall not interfere with the petitioner's possession over the land described hereinabove. If they want to acquire the land then the respondents shall have to follow the provisions of Land Acquisition

Act, 1894.

**G.S.SINGHVI, CJ**

Date: 28.06.2006

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